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Attorneys for Defendants  
SEARS HOLDINGS CORPORATION and SEARS, ROEBUCK  
AND CO.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO/OAKLAND DIVISION

PATRICK RODRIGUEZ, as an individual  
and on behalf of all others similarly  
situated,

## Plaintiff

VS.

SEARS HOLDINGS CORPORATION, a corporation; SEARS ROEBUCK AND CO., a corporation; and DOES 1 through 100, inclusive,

## Defendants

Case No. 3:10-cv-01268-SC

**NOTICE OF WITHDRAWAL OF  
DEFENDANTS' MOTION TO DISMISS  
AND STRIKE FIRST AMENDED  
COMPLAINT**

## CLASS ACTION

**DATE:** August 6, 2010

**PLACE:** Courtroom 1

**TIME:** 10:00 a.m.

**JUDGE:** Hon. Samuel Conti

1 TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE  
2 NORTHERN DISTRICT OF CALIFORNIA AND TO PLAINTIFF AND HIS COUNSEL OF  
3 RECORD:

4 PLEASE TAKE NOTICE that in light of the parties' stipulation and the Court's Order  
5 Granting Leave to File a Second Amended Complaint, Defendants Sears Holdings Corporation  
6 and Sears, Roebuck and Co. ("Defendants") hereby withdraw their Motion to Dismiss and Strike  
7 Plaintiff's First Amended Complaint currently noticed for hearing on 10:00 a.m. on August 6,  
8 2010. Defendants respectfully request that the Court remove this motion from the Calendar.

9 Dated: July 21, 2010.

10 LYNNE C. HERMLE  
11 JOSEPH C. LIBURT  
12 CHRISTIAN N. BROWN  
13 ORRICK, HERRINGTON & SUTCLIFFE LLP

14 /s/ Christian N. Brown

15 Christian N. Brown  
16 Attorneys for Defendants